

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**MARJORIE JONES, Individually
and as the Spouse and Next of Kin
of her Husband, FREDDIE LEE
JONES, Deceased**

PLAINTIFF

v.

CAUSE NO. 1:22cv300 HSO-BWR

**COMBE, INC. and KATY BEAUTY
SUPPLY, LLC**

DEFENDANTS

NOTICE OF REMOVAL

TO: Connie Ladner
Clerk, Circuit Court of Harrison County
P.O. Box 998
Gulfport, MS 39502

Benjamin Wilson
Morgan & Morgan
4450 Old Canton Road, Suite 200
Jackson, MS 39507

In accordance with 28 U.S.C. §§1331, 1332, 1441, and 1446, you are hereby notified that the named defendant, Combe, Inc. ("Combe"), as joined by John Jacob, LLC, i/n/a Katy Beauty Supply, LLC, d/b/a Katy Beauty Supply, has removed this civil action from the Circuit Court of Harrison County, Mississippi, First Judicial District to the United States District Court for the Southern District of Mississippi, Southern Division, and in support hereof would show unto the Court the following:

1. This action was filed in the Circuit Court of Harrison County, Mississippi, First Judicial District as Civil Action No. A2401-22-290. Plaintiff's complaint identifies Combe, Inc. and

Katy Beauty Supply, LLC as the only named Defendants. (See Exhibit One, Complaint).

This action is removable under 28 U.S.C. §1332.

28 U.S.C. §1332

Diversity of Citizenship.

2. There is complete diversity of citizenship between the Plaintiff and Named Defendants Combe, Inc. and by John Jacob, LLC, i/n/a Katy Beauty Supply, LLC, d/b/a Katy Beauty Supply. Plaintiff asserts she, as representative of the Estate of Freddie Lee Jones, is an adult resident of Harrison County Mississippi, and thus a citizen of and domiciled in Mississippi. (See Exhibit One, Complaint, para. 2). Plaintiff alleges that Combe, Inc. is a Delaware corporation with its principal place of business being 1101 Westchester Avenue, White Plains, New York. *Id.*, para. 5. Combe, Inc. agrees and stipulates that its principal place of business is in New York, and Combe is both a citizen and domiciliary of the State of New York.
3. Plaintiff alleges that Katy Beauty Supply, LLC is a Texas Limited Liability Company, with principal place of business being at 75 Hardy Court Shopping Center, Gulfport, Mississippi 39507. *Id.*, para. 8. However, as supported by the attached declaration of Sangsoo Park, member of John Jacob, LLC, Plaintiff's description of Katy Beauty Supply is a misnomer. There is no Katy Beauty Supply organized as a limited liability company in Mississippi or Texas. (See Exhibit Two, Declaration of Sangsoo Park). Instead, Katy Beauty Supply is a fictitious name for John Jacob, LLC, which is a Texas limited liability company. *Id.* Its sole members are Sangsoo Park and Catherine Park, who are husband and wife. *Id.* Both Parks reside in, are citizens of, and are domiciled in the State of Texas. *Id.* Sangsoo Park, as member of John Jacob, LLC, hereby agrees and joins with Combe, Inc., on behalf of

John Jacob, LLC to the removal of this action. Thus, there is unanimity of the Defendants on removal.

4. The United States District Court for the Southern District of Mississippi, Southern Division, has original subject matter jurisdiction over this civil action because there is complete diversity among the parties, as noted, pursuant to 28 U.S.C. §1332. No party properly joined as a defendant is domiciled in the state of Mississippi or has its principal place of business in the state of Mississippi.

Amount in Controversy.

5. Although the Complaint does not make a specific amount of claimed damages, the amount in controversy in this action, exclusive of interest and costs, exceeds the sum of \$75,000, as Plaintiff is asserting that the Defendants' conduct caused the death of the decedent Freddie Lee Jones. Complaint, para. 17-19.
6. Additionally, Plaintiff alleges "physical injuries, emotional and mental anguish and suffering, loss of enjoyment of life, economic losses, wages and benefits, past, present and future medical and related expenses, past, present, and future pain and suffering, and all other damages recoverable under Mississippi law ..." due to "the negligence and above alleged acts and/or omissions of the Defendants." *Id.*, pg. 15.
7. It is without question that the amount in controversy exceeds \$75,000 exclusive of interest and costs, and this action may be removed to this court pursuant to 28 U.S.C. §1441.
8. This notice of removal is timely filed because it has been filed within 30 days of service upon defendant, on October 19, 2022. (See Exhibit Three, E-mail from Combe, Inc. counsel). Further, it is filed within one year of the filing of the original complaint. 28 U.S.C. §1446(b).

9. This action is not one rendered non-removable by 28 U.S.C. §1445.
10. Copies of all process, pleadings, and orders served on the defendant in the state court action are attached as Exhibit Four to this notice.
11. A copy of the notice of removal is being served on the plaintiff, by and through her attorney of record, and the clerk of the Circuit Court of Harrison County, Mississippi, First Judicial District.

WHEREFORE, Defendant Combe, Inc., as joined by John Jacob, LLC, i/n/a Katy Beauty Supply, LLC, d/b/a Katy Beauty Supply, serves this notice and hereby removes this case pursuant to 28 U.S.C. §§1331, 1332, 1441, and 1446, and Plaintiff herein is notified to attempt to proceed no further in this case in the Circuit Court of Harrison County, Mississippi, unless by order of the United States District Court for the Southern District of Mississippi, Southern Division.

Respectfully submitted, this the 28th day of October 2022.

COMBE, INC.
Defendant

BY: Carr Allison, Its Counsel

BY: /s Thomas L. Carpenter
Thomas L. Carpenter
Mississippi Bar No. 9808
Attorney for Defendant
Carr Allison
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Gulfport, MS 39501
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CERTIFICATE OF SERVICE

I, Thomas Carpenter, do hereby certify that I have this day filed with the Federal PACER Electronic Filing System, the foregoing NOTICE OF REMOVAL and electronically mailed and regularly mailed United States first-class postage prepaid mail, which sent notice of same to the following counsel of record:

Benjamin Wilson
Morgan & Morgan
4450 Old Canton Road, Suite 200
Jackson, MS 39507

This the 28th day of October 2022.

/s/ Thomas L. Carpenter
Thomas L. Carpenter